



United States Attorney
Southern District of New York

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May 12, 2020

BY ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *A.T., et al. v. United States*, 20 Civ. 00920 (JMF)

May 13, 2020

Application GRANTED. The initial pretrial conference currently scheduled for May 19, 2020, is RESCHEDULED to **July 21, 2020, at 3:00 p.m.** Plaintiffs shall file proof of service within two days of the date of this Order. The Clerk of Court is directed to terminate ECF No. 10. SO ORDERED.

Dear Judge Furman:

On February 13, 2020, Plaintiffs filed the complaint in this action, which alleges medical malpractice stemming from care provided by a federally funded health clinic in the Bronx. On February 26, 2020, the Court scheduled an initial conference for May 19, 2020. Defendant respectfully requests, with Plaintiffs' consent, that the initial conference in this action and the accompanying submissions in advance thereof be adjourned by approximately 60 days until the week of July 6.

The United States Attorney's Office was only served with the complaint on May 7 and the undersigned was assigned to defend this action on May 12. Similarly, the agency at issue—the Department of Health and Human Services (“HHS”—only received the complaint on May 11. Accordingly, I have not had sufficient time to confer with HHS (who, in turn, must confer with the healthcare clinic at issue in this case) relating to this matter in order to properly propose a case management plan, including the need to assess whether there are any procedural or jurisdictional defenses that could form the basis of a motion to dismiss. Pursuant to Federal Rule of Civil Procedure 12(a)(2), which provides the federal government with 60 days to respond to a complaint, Defendant's answer would be due on or about July 6, 2020.

In light of the current situation affecting medical providers and hospitals in New York City, Defendant respectfully requests that it be provided until its answer date to gather relevant facts and confer with HHS in order to properly respond to the complaint, and, thereafter, begin to engage in discovery (or seek a stay of discovery in the event there is a viable motion to dismiss). This proposal would allow Defendant to engage in more informed discovery as well as minimize any potential burden on the healthcare clinic and medical providers in the next several weeks.

I thank the Court for its attention to this matter.

Sincerely,

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Southern District of New York

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